
STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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TO: All Political Subdivisions

FROM: Courtney L. Schaafsma, Commissioner

RE: Legislative Changes Affecting Controlled Projects

DATE: August 21, 2015

On May 5, 2015, Governor Pence signed into law Senate Enrolled Act 251-2015 ("SEA 251"), which introduces legislative changes concerning controlled projects under IC 6-1.1-20. This memorandum addresses these changes, which are effective July 1, 2015. Please note that this memorandum is intended to be an informative bulletin; it is not a substitute for reading the law.

Sections 2 and 3 of SEA 251 amend IC 6-1.1-20-3.1 (petition and remonstrance) and IC 6-1.1-20-3.6 (referendum) so that a person who owns property within a political subdivision or a person who is a registered voter residing within a political subdivision may file a petition with the Department of Local Government Finance ("Department") objecting that the political subdivision has artificially divided a capital project into multiple capital projects in order to avoid the requirements of the statutes governing the petition and remonstrance and referendum processes.

The petition must be filed not more than ten days after the political subdivision makes the preliminary determination to issue the bonds or enter into the lease for the project. If the Department receives a petition, it must, not later than thirty days after receiving the petition, make a final determination on the issue of whether the capital projects were artificially divided.

The Department has prepared guidance on the process for petitioning the Department and has also prepared an official state form that can be used in filing the petition. These resources can be found at: <http://in.gov/dlgf/8789.htm>. Please note that the petition form is being provided as a service to interested taxpayers. Petitions received in other formats will also be accepted and reviewed.

The Department notes that SEA 251 also introduces IC 6-1.1-20-0.7 as a new statute concerning controlled projects by political subdivisions in Hamilton County. Affected units interested in more information are encouraged to consult Section 1 of HEA 251, which is available at <http://iga.in.gov/legislative/2015/bills/senate/251#document-249919c7>.

Contact Information

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